

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 25-CV-20757-JB

JANE DOE, Miami, Florida
Plaintiff, April 4, 2025
vs. 4:37 p.m. - 4:56 p.m.
STEVEN K. BONNELL, II, Volume 1 of 1
Defendant. Pages 1 to 16

STATUS CONFERENCE
BEFORE THE HONORABLE JACQUELINE BECERRA
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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STENOGRAPHICALLY REPORTED BY:

VERNITA ALLEN-WILLIAMS, RPR, RMR, FCRR
Official Court Reporter to:
The Honorable Jacqueline Becerra
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1 (Call to the order of the Court at 4:37 p.m.)

04:37PM 2 THE COURTROOM DEPUTY: Case No. 25-CV-20757-Becerra, Doe
04:37PM 3 vs. Bonnell.

04:37PM 4 Counsel, please state your appearances for the record,
04:37PM 5 starting with the plaintiffs that are present in the courtroom,
04:37PM 6 defendant present in the courtroom, and then the parties on Zoom.

04:37PM 7 MS. SCHLUMP: Good afternoon, Your Honor. Joan Peters
04:37PM 8 Schlump on behalf of the plaintiff.

04:37PM 9 MR. GARCIA PEREZ: Good afternoon, Your Honor. Carlos
04:37PM 10 Garcia Perez on behalf of the plaintiff.

04:37PM 11 MR. RASKOPF: Good afternoon, Your Honor. Robert Raskopf
04:37PM 12 from Bilzin Sumberg for the defendant.

04:37PM 13 MR. BRETTLER: Good afternoon, Your Honor. Andrew
04:38PM 14 Brettler. Thank you for allowing me to appear remotely. Also for
04:38PM 15 the defendant.

04:38PM 16 MS. PATINO: Patricia Patino from Bilzin Sumberg on
04:38PM 17 behalf of the defendant.

04:38PM 18 THE COURT: Are you from the Miami office?

04:38PM 19 MS. PATINO: I am. I'm just not in Miami at this moment.

04:38PM 20 THE COURT: I don't like Zoom hearings. Everybody can be
04:38PM 21 seated. I only allow counsel that are out of town. I just don't
04:38PM 22 want to give anybody a misimpression about when I allow Zoom
04:38PM 23 hearings. You can be seated, counsel.

04:38PM 24 MR. RASKOPF: Thank you, Your Honor.

04:38PM 25 THE COURT: So this case has been pending for a number of

1 months.

2 You looked at me a little cockeyed, ma'am. Didn't you
3 file it a couple months ago?

4 MS. SCHLUMP: February 21st, I believe.

5 THE COURT: Yes.

6 MS. SCHLUMP: Yes, correct.

7 THE COURT: It's April. So it's been filed. The parties
8 have already met for the joint status report; that was already
9 filed. I've got a scheduling order. The defendants have
10 answered.

11 And now last night I get a TRO based on facts that don't
12 appear to be any different from the complaint; so I want to hear
13 just very briefly as to why I should entertain the TRO as opposed
14 to just setting it down for a preliminary injunction.

15 MS. SCHLUMP: Well, Your Honor, I do apologize for the
16 delay in getting that motion out. There are a number of reasons
17 why that happened. One -- and I hate to go into personal things,
18 but -- Mr. Garcia was dealing with a cancer issue and going back
19 and forth to Texas.

20 I had pneumonia, and I was out straight for more than two
21 weeks; so we were really set back. There's just two of us working
22 on this case, and so that significantly delayed us. But there's
23 also other reasons, which is that we were trying to gather
24 affidavits from witnesses to bolster our evidence for the TRO and
25 get, you know, witnesses lined up for it.

04:40PM 1 Unfortunately, what we have encountered we have a number
04:40PM 2 of women that have come forward to us but have then backed out
04:40PM 3 because they are afraid of retaliation, and that's what they've
04:40PM 4 told us, and so we were not able to get these affidavits. We went
04:40PM 5 with what we have now, which basically we went from 15 potential
04:40PM 6 witnesses providing evidence, down to the one witness in addition
04:40PM 7 to the plaintiff.

04:40PM 8 THE COURT: That doesn't have anything to do with
04:40PM 9 anything. This is not a class action. You filed on behalf of one
04:40PM 10 woman. The TRO requests that he remove the video of the one
04:40PM 11 woman, and then there is a request with respect to whether or not
04:40PM 12 he is doing anything to destroy evidence in this case. I don't
04:40PM 13 know that that's a TRO. I think that's more akin -- you can file
04:40PM 14 a motion with respect to that. None of this sounds in TRO to me.

04:41PM 15 Obviously, the medical issue, I hope you're doing better.

04:41PM 16 MS. SCHLUMP: Thank you.

04:41PM 17 THE COURT: I hope it's not, obviously, more than a short
04:41PM 18 delay on a case.

04:41PM 19 But I don't see the emergency nature of the TRO. This
04:41PM 20 seems to me at best a preliminary injunction. There is nothing
04:41PM 21 that's happening today that wasn't happening when you filed the
04:41PM 22 suit or even a month before, right? In fact, if anything, like
04:41PM 23 the dates seem to line up sometime at the end of the year, right?

04:41PM 24 I'm in April. I don't see why the request for a TRO is
04:41PM 25 not stale.

04:41PM 1 MS. SCHLUMP: I understand your concerns, Your Honor, and
04:41PM 2 that is why we didn't file it as an emergency TRO.

04:41PM 3 I agree that most of the damage has already been done.
04:41PM 4 But the issue is that we keep receiving evidence of destruction of
04:41PM 5 evidence. We are trying to compile enough evidence to file a
04:42PM 6 motion for spoliation because we are very concerned with the fact
04:42PM 7 that all of this evidence is disappearing, so we are hoping to
04:42PM 8 file that very shortly. We're waiting for a specific piece of
04:42PM 9 evidence that we wanted to bring before the Court.

04:42PM 10 So, yes, I agree with you this is not an urgent matter
04:42PM 11 for having a TRO immediately, but it is ongoing harm that we would
04:42PM 12 like to stop.

04:42PM 13 THE COURT: That's why a preliminary injunction I think
04:42PM 14 is more appropriate. All a TRO is going to get you is ten days
04:42PM 15 before we get to the PI. I don't see the urgent nature.

04:42PM 16 I will tell you that even from my own scheduling
04:42PM 17 purposes, as you might have heard, some of you were here for the
04:42PM 18 other hearing, I am out of the district Monday or Tuesday. I am
04:42PM 19 here Wednesday, but I start a criminal trial on Thursday that's
04:43PM 20 likely to go a week.

04:43PM 21 And so my intention was to deny your request for a
04:43PM 22 temporary restraining order, but set a preliminary injunction
04:43PM 23 hearing and refer that though to the magistrate judge who has
04:43PM 24 got -- you know, he doesn't have my trial schedule, so he can hear
04:43PM 25 the preliminary injunction. He will issue a report and

04:43PM 1 recommendation on the preliminary injunction, which then I would
04:43PM 2 hear any objection and I will rule on it as soon as possible.

04:43PM 3 But it seems to me that the harm that you're sounding, as
04:43PM 4 best I can tell, I might be wrong, but to the extent that we're
04:43PM 5 really talking about the spoliation issue, that seems to me more a
04:43PM 6 spoliation than a PI; but I don't want to get too ahead of myself.
04:43PM 7 We can handle that as a PI; and it might not even be a PI, it
04:43PM 8 might be just an issue on spoliation.

04:43PM 9 And I will tell you that even as you've pled it so far,
04:43PM 10 we'll see what the defense says, but if I got sued for
04:44PM 11 distributing the materials about a woman and I may have done that
04:44PM 12 with other women, then I might say to myself "Maybe I shouldn't do
04:44PM 13 that any more. Let me delete that. Let me take that back. Let
04:44PM 14 me not do these things I'm being alleged that I'm doing because
04:44PM 15 maybe these are bad things I shouldn't be doing." That may be one
04:44PM 16 of the things that's going on. That's not spoliation. I don't
04:44PM 17 know.

04:44PM 18 Some of the stuff that's in this motion, I'm not finding
04:44PM 19 on its face what the connection is to this case. I assume you
04:44PM 20 will make that argument to Judge Torres and connect it up how it's
04:44PM 21 connected to this case because some of that I don't know is a
04:44PM 22 spoliation issue even, right; at least how you've pled it so far
04:44PM 23 or how you've argued it so far.

04:44PM 24 So I called you in for the status because I didn't know
04:44PM 25 if there was something else that was happening with respect to the

04:44PM 1 timing for the TRO. I am assuming that you've also been talking
04:45PM 2 to counsel because you were together for the joint scheduling
04:45PM 3 report.

04:45PM 4 MS. SCHLUMP: Correct.

04:45PM 5 MR. BRETTLER: Sorry, Your Honor. We were shocked to
04:45PM 6 hear about this.

04:45PM 7 THE COURT: Sir, I'm talking to counsel for plaintiff. I
04:45PM 8 will get to you.

04:45PM 9 So you were definitely together for the joint scheduling
04:45PM 10 report.

04:45PM 11 MS. SCHLUMP: Yes, and no we did not discuss a motion for
04:45PM 12 TRO during the joint scheduling; we just discussed scheduling.

04:45PM 13 I would say, Your Honor, that I understand what you're
04:45PM 14 saying about the spoliation. But one of the reasons that we were
04:45PM 15 moving for the TRO is because I do think that the defendant is
04:45PM 16 destroying evidence, and so we were looking for an order asking
04:45PM 17 him to respect the preservation of evidence rules. And we had
04:45PM 18 sent him a letter before the complaint was even filed asking him
04:45PM 19 to preserve evidence. I mean, he has even deleted messages
04:46PM 20 between him and the plaintiff. That to me is destruction of
04:46PM 21 evidence that's relevant to this case.

04:46PM 22 THE COURT: We're getting way ahead of ourselves, right?

04:46PM 23 MS. SCHLUMP: Well, so that was one of the reliefs that
04:46PM 24 we were seeking in the motion, was just that he be ordered to
04:46PM 25 preserve and not delete any further evidence.

04:46PM 1 THE COURT: So I don't even think that's subject to the
04:46PM 2 TR0, and I'll tell you why.

04:46PM 3 You have both a preservation letter, plus a complaint,
04:46PM 4 plus a scheduling order. If the defendant after having notice of
04:46PM 5 the suit is destroying evidence -- I mean he's also got lawyers
04:46PM 6 who I am sure are advising him of what he can and can't do -- if I
04:46PM 7 were to find or if Judge Torres finds as part of a discovery issue
04:46PM 8 that he has destroyed evidence, well there's all sorts of remedies
04:47PM 9 that the Court can take to do that.

04:47PM 10 The order that you're seeking requires him to do nothing
04:47PM 11 more than he's already required to do because he can't destroy
04:47PM 12 evidence now, right? You can't destroy evidence after you're on
04:47PM 13 notice of the suit and the preservation letter has been sent; so
04:47PM 14 if he is in fact destroying evidence, he can't do that. If he
04:47PM 15 doesn't think it's destroying evidence for some reason, well that
04:47PM 16 will all play out either in a motion for spoliation or maybe in
04:47PM 17 the preliminary injunction.

04:47PM 18 But to issue a temporary restraining order now on some
04:47PM 19 sort of urgent basis, one, I think that it's stale because even
04:47PM 20 that has been going on for some time. That's not something that
04:47PM 21 you found out right now and I need to stop it right now.

04:47PM 22 MS. SCHLUMP: Right.

04:47PM 23 THE COURT: So I am going to deny your motion for a TR0.
04:47PM 24 I know I just set it for status, but I don't want to have to set
04:47PM 25 the TR0 for Wednesday to tell you what I'm telling you now because

04:48PM 1 I don't think -- I've read your papers, and I think based on your
04:48PM 2 papers the TRO is stale.

04:48PM 3 But unless I hear an objection from you -- not that your
04:48PM 4 objection would necessarily change my mind, but I'm going to let
04:48PM 5 you put the objection on the record if you have one, but I will
04:48PM 6 deny your TRO and set you to go to Judge Torres to have him set
04:48PM 7 the hearing for the preliminary injunction.

04:48PM 8 MS. SCHLUMP: We have no objection, Your Honor.

04:48PM 9 THE COURT: All right. Now, sir, I can hear from you.

04:48PM 10 MR. BRETTLER: I'm sorry, Your Honor. With the Court's
04:48PM 11 ruling right now, I don't think that there is any reason for us to
04:48PM 12 argue any further.

04:48PM 13 I will point out no one is destroying evidence. I will
04:48PM 14 further point out that we had no meet and confer efforts with
04:48PM 15 plaintiff's counsel about this. We were stunned to see not only
04:48PM 16 one but two motions it looked like for a TRO filed yesterday. And
04:48PM 17 I understand that counsel did say that they didn't file it as an
04:48PM 18 emergency TRO, but by its very nature TROs are an emergency --
04:49PM 19 seeking emergency relief.

04:49PM 20 We agree with the Court's assessment and have no
04:49PM 21 objection to having this referred to the magistrate for the PI
04:49PM 22 hearing.

04:49PM 23 THE COURT: So there were two TROs, but I thought the
04:49PM 24 second one essentially amended the first. There wasn't a
04:49PM 25 different recovery; is that correct?

04:49PM 1 MS. SCHLUMP: Our administrative assistant did the
04:49PM 2 filings, and I think what happened was she neglected to include
04:49PM 3 Exhibit 3, and so she refiled. So that was a -- it's the exact
04:49PM 4 same thing. There's not two motions.

04:49PM 5 THE COURT: So I'm going to deny 20 because the motion
04:49PM 6 was the same; it was that exhibit that was different. I will deny
04:49PM 7 20 because 20 was duplicative as, in essence, of 21.

04:49PM 8 MS. SCHLUMP: Yes.

04:49PM 9 THE COURT: And then 21 I am going to deny the request
04:49PM 10 for the TRO and refer the preliminary injunction to Judge Torres,
04:49PM 11 and that's ECF 21.

04:49PM 12 And then I will leave it to Judge Torres to decide what
04:49PM 13 briefing schedule, if any, he wants to give the defense. He might
04:50PM 14 just set it for hearing or he might give you an opportunity to
04:50PM 15 brief it. I don't know what Judge Torres will do, but I will give
04:50PM 16 it to him to do on the preliminary injunction.

04:50PM 17 Let me just say, you know, I don't think that there is --
04:50PM 18 I have to check the local rule on this because I can't cite it
04:50PM 19 from memory, although I probably should be able to -- I don't
04:50PM 20 think there is an obligation necessarily for them to confer on the
04:50PM 21 TRO. That being said --

04:50PM 22 And I think that's one of the exceptions to conferral,
04:50PM 23 but I think you're going to agree with me on that, counsel.

04:50PM 24 MS. SCHLUMP: Yes, I do. I definitely confirmed that
04:50PM 25 before I filed.

04:50PM 1 THE COURT: I don't think there is a requirement. That
04:50PM 2 being said, this does strike me as something that you could talk
04:50PM 3 about and say because even from the evidence that plaintiff has
04:50PM 4 shown, it seems like the defendant, at least with these messages
04:50PM 5 to the plaintiff, is suggesting that he would withdraw the video
04:50PM 6 or try to do things with the video to take it out of the public
04:50PM 7 space. That seems like something you might be able to work out;
04:51PM 8 maybe not. I don't know.

04:51PM 9 And if there is an issue of the destruction of evidence,
04:51PM 10 that's something that on a motion for spoliation you will have to
04:51PM 11 confer. It seems to me that you should be conferring about this,
04:51PM 12 that it makes most sense, and especially if you want a resolution
04:51PM 13 that's quicker, is to talk about it because you will have to set
04:51PM 14 it for PI, there will be a hearing, there will have to be a
04:51PM 15 written report and recommendation, it will have to come to me. I
04:51PM 16 think you should pick up the phone and talk.

04:51PM 17 I mean it is a little odd, ma'am, I will just say. If
04:51PM 18 you're sitting talking about the schedule and everything, clearly
04:51PM 19 you were already working on the TRO, probably the defendant didn't
04:51PM 20 love to get that TRO filed, like, the day after you were
04:51PM 21 conferring for an hour on the schedule. It doesn't mean you
04:51PM 22 couldn't do it; it's just that it's not great.

04:51PM 23 MS. SCHLUMP: I didn't -- I hear what you're saying, Your
04:51PM 24 Honor.

04:51PM 25 THE COURT: It's not a great way to start a case.

04:52PM 1 MS. SCHLUMP: We have had discussions with counsel prior
04:52PM 2 to this, and they were not very productive, so I did not think
04:52PM 3 that discussing this matter with them -- I mean Mr. Brettler just
04:52PM 4 said his client is not destroying evidence. We know the client is
04:52PM 5 destroying evidence. We've seen it. So it's just not --

04:52PM 6 THE COURT: Hold on. Hold on. When I speak, you have to
04:52PM 7 stop.

04:52PM 8 MS. SCHLUMP: Sorry. Go ahead. Yes. Sorry.

04:52PM 9 THE COURT: One, not just because I'm the judge; but two,
04:52PM 10 because my court reporter only writes down what one person says,
04:52PM 11 and I promise it's always what I'm saying if there are two people
04:52PM 12 talking.

04:52PM 13 My point to you is you can tell them "Your client is
04:52PM 14 destroying evidence." Of course they're going to tell you that
04:52PM 15 he's not; I would hope they're going to say that. Now, if you
04:52PM 16 show them evidence of it, they're probably not going to say "Yeah,
04:52PM 17 he is destroying evidence," but they might talk to their client
04:52PM 18 and come to some agreement with you about what he can and can't
04:52PM 19 do.

04:52PM 20 So, you know, productivity isn't them acquiescing to your
04:53PM 21 allegation, but you might be able to get some resolution of what
04:53PM 22 he can and can't do in this space in terms of what he can do with
04:53PM 23 his emails and what he can do with his chats. I mean there are so
04:53PM 24 many platforms and things now, I don't even try to keep up with
04:53PM 25 them. Even though I have a teenager and I think I do keep up with

04:53PM 1 them, I don't because there is something new that comes out every
04:53PM 2 day. So whatever platforms he is chatting with people or talking
04:53PM 3 to people on, you know, these things I know are moving targets,
04:53PM 4 but it's always productive to talk.

04:53PM 5 And let me just say one more thing because it's day --
04:53PM 6 not day one because you filed in February, but we're really early
04:53PM 7 on in this litigation that will be before me for God knows how
04:53PM 8 long. You need to confer.

04:53PM 9 MS. SCHLUMP: Understood.

04:53PM 10 THE COURT: And you need to confer a lot. I think good
04:53PM 11 lawyers working in good faith can work a lot of things out; and
04:53PM 12 when you can't, that's my job and I'm happy to hear disputes. I
04:54PM 13 obviously love it; otherwise I wouldn't want this job. But the
04:54PM 14 dispute is better and it's easier for the Court and it's fairer
04:54PM 15 for the parties if what's before the Court has really been
04:54PM 16 crystalized by conferral.

04:54PM 17 So I hear you that these lawyers aren't going to agree
04:54PM 18 with you probably on much when it comes to the substance, but it
04:54PM 19 does help to crystalize the issues if you at least talk to each
04:54PM 20 other. And it's very difficult when they've been sitting with you
04:54PM 21 for an hour talking about the schedule, you never mentioned the
04:54PM 22 TRO and it gets filed, it doesn't help in terms of the lawyers
04:54PM 23 trusting each other to at least bring issues in good faith.

04:54PM 24 It's a complex case. I understand, you know, it's a
04:54PM 25 sensitive matter for your client, I understand that. But if we

04:54PM 1 want to go forward in a way that's productive going forward, I'm
04:54PM 2 going to encourage you as best you can to talk to the lawyers.
04:55PM 3 Keep talking to the defense lawyers. And I'm not telling you to
04:55PM 4 agree with them, I'm just telling you that to work in good faith
04:55PM 5 to try to bring things to the Court when they have been
04:55PM 6 crystalized and when they have been vetted by both sides. I think
04:55PM 7 that only helps the Court and I think it only helps the parties.

04:55PM 8 So as I said, for purposes of my ruling, I find that the
04:55PM 9 request for a TRO is stale. There is no urgent issue before the
04:55PM 10 Court. It can be handled at the preliminary injunction.

04:55PM 11 Because of my court schedule and my trial schedule, it
04:55PM 12 will be referred to the magistrate judge. I would expect that by
04:55PM 13 Monday, you know, his chambers will reach out to you by order or
04:55PM 14 by phone or something or Tuesday maybe to figure out what those
04:55PM 15 dates are and what that schedule is.

04:55PM 16 All right. Anything else on behalf of the plaintiff?

04:55PM 17 MS. SCHLUMP: No, Your Honor.

04:55PM 18 THE COURT: On behalf of the defendant?

04:55PM 19 MR. BRETTLER: The only thing, Your Honor, is I will
04:55PM 20 absolutely appear in person at future hearings. The only reason I
04:55PM 21 couldn't is because we only had 18 hours' notice of this one;
04:55PM 22 otherwise, I would have been on an airplane, and appreciate the
04:56PM 23 Court's accommodation.

04:56PM 24 THE COURT: Look, I missed it because I saw Bilzin and I
04:56PM 25 missed that there was an L.A. lawyer on it. And I just wanted to

1 have it today because I'm out of the district Monday and Tuesday.
2 I didn't want to on a TRO wait till Wednesday, and so we just
3 jumped on it to set a hearing. I know it's Friday afternoon.
4 It's almost 5:00 o'clock. Sorry, Miami traffic. Friday afternoon
5 is rough. I wasn't trying to punish anybody, I've just had
6 hearings all day, and so this is the space I had for you all.

7 All right. Thank you very much.

8 MR. BRETTLER: Thank you, Your Honor.

9 THE COURT: We're in recess.

10 MS. SCHLUMP: Thank you, Your Honor.

11 MR. GARCIA PEREZ: Thank you, Your Honor.

12 (Proceedings adjourned at 4:56 p.m.)

13 C E R T I F I C A T E

14 I hereby certify that the foregoing is an accurate
15 transcription of the proceedings in the above-entitled matter.

16 DATE: 4/8/25

17 /s/Vernita Allen-Williams
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